

111TH CONGRESS
1ST SESSION

H. R. 3336

To amend title 10, United States Code, to lift restrictions on the availability of certain enlistment, reenlistment, and student loan benefits for military technicians, when membership in a reserve component is a condition of the military technician's employment and to repeal the prohibition in title 32, United States Code, against overtime pay for National Guard technicians.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2009

Mr. COURTNEY (for himself, Mr. ROSS, Mr. HARE, Mr. YOUNG of Alaska, Mr. WALZ, Mr. LOEBSACK, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. HINCHEY, Mrs. McMORRIS RODGERS, Mr. MASSA, Ms. DELAURO, Ms. GIFFORDS, Mr. MURPHY of Connecticut, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to lift restrictions on the availability of certain enlistment, reenlistment, and student loan benefits for military technicians, when membership in a reserve component is a condition of the military technician's employment and to repeal the prohibition in title 32, United States Code, against overtime pay for National Guard technicians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Guard Tech-
3 nician Recruitment and Retention Act”.

4 **SEC. 2. AVAILABILITY OF CERTAIN ENLISTMENT, REEN-**
5 **LISTMENT, AND STUDENT LOAN BENEFITS**
6 **FOR MILITARY TECHNICIANS (DUAL STATUS).**

7 Section 10216 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(h) **ELIGIBILITY FOR BONUSES AND OTHER BENE-**
11 **FITS.**—(1) If an individual is first employed as a military
12 technician (dual status) while the individual is already a
13 member of a reserve component, the Secretary concerned
14 may not require the individual to repay any enlistment,
15 reenlistment, or affiliation bonus provided to the indi-
16 vidual in connection with the individual’s enlistment or re-
17 enlistment before such employment.

18 “(2) Even though an individual employed as a mili-
19 tary technician (dual status) is required as a condition of
20 that employment to maintain membership in the Selected
21 Reserve, the individual shall not be precluded from receiv-
22 ing an enlistment, reenlistment, or affiliation bonus nor
23 be denied the opportunity to participate in an educational
24 loan repayment program under chapter 1609 of this title
25 as an additional incentive for the individual to accept and
26 maintain such membership”.

1 **SEC. 3. REPEAL OF PROHIBITION AGAINST OVERTIME PAY**
2 **FOR NATIONAL GUARD TECHNICIANS.**

3 (a) **AUTHORITY FOR SECRETARY TO GRANT OVER-**
4 **TIME PAY.**—Section 709(h) of title 32, United States
5 Code, is amended by striking the second sentence and in-
6 serting the following new sentence: “The Secretary con-
7 cerned shall pay a technician for irregular or overtime
8 work at a rate equal to one and one-half times the rate
9 of basic pay applicable to the technician, except that, at
10 the request of the technician, the Secretary may grant the
11 technician, instead of such pay, an amount of compen-
12 satory time off from the technician’s scheduled tour of
13 duty equal to the amount of time spent in such irregular
14 or overtime work.”.

15 (b) **EFFECTIVE DATE.**—The amendment made by
16 subsection (a) shall apply with respect to irregular or over-
17 time work performed by an employee subject to section
18 709 of title 32, United States Code, on or after the date
19 of the enactment of this Act.

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